

1 DANIEL G. SWANSON, SBN 116556  
2 dswanson@gibsondunn.com  
3 GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
3 Los Angeles, CA 90071  
4 Telephone: 213.229.7000  
Facsimile: 213.229.7520

5 CYNTHIA E. RICHMAN (D.C. Bar No.  
492089; *pro hac vice*)  
6 crichman@gibsondunn.com  
7 GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036  
8 Telephone: 202.955.8500  
Facsimile: 202.467.0539

9 JULIAN W. KLEINBRODT, SBN 302085  
10 jkleinbrodt@gibsondunn.com  
11 GIBSON, DUNN & CRUTCHER LLP  
One Embarcadero Center, Suite 2600  
12 San Francisco, CA 94111  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
MARK A. PERRY, SBN 212532  
mark.perry@weil.com  
JOSHUA M. WESNESKI (D.C. Bar No.  
1500231; *pro hac vice*)  
joshua.wesneski@weil.com  
WEIL, GOTSHAL & MANGES LLP  
2001 M Street NW, Suite 600  
Washington, DC 20036  
Telephone: 202.682.7000  
Facsimile: 202.857.0940

MORGAN D. MACBRIDE, SBN 301248  
morgan.macbride@weil.com  
WEIL, GOTSHAL & MANGES LLP  
Redwood Shores Pkwy, 4th Floor  
Redwood Shores, CA 94065  
Telephone: 650.802.3044  
Facsimile: 650.802.3100

Attorneys for Defendant APPLE INC.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

EPIC GAMES, INC.

Case No. 4:20-cv-05640-YGR-TSH

Plaintiff, Counter-defendant

**DECLARATION OF MARK A. PERRY IN  
SUPPORT OF APPLE INC.'S STATEMENT  
IN SUPPORT OF ADMINISTRATIVE  
MOTION TO SEAL**

v.

APPLE INC.,

The Honorable Thomas S. Hixson

Defendant, Counterclaimant

1 I, Mark A. Perry, hereby declare as follows:

2       1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
 3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple  
 4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential  
 5 information based on my personal experience representing Apple. I have personal knowledge of the  
 6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration  
 7 in support of Apple’s Statement in Support of Administrative Motion to Seal.<sup>1</sup>

8       2. I am aware that the law of this Circuit allows information to be filed under seal for good  
 9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where  
 10 documents include a company’s trade secrets, internal codenames, confidential research and  
 11 development, personally identifiable information, or other commercially sensitive information. I  
 12 understand that this Court has broad latitude to prevent the public disclosure of these categories of  
 13 commercially sensitive information.

14       3. Apple operates in an intensely competitive environment. Apple has serious and  
 15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive  
 16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect  
 17 the confidentiality of its information.

18       4. Apple has carefully reviewed Exhibit A to Epic Games, Inc.’s Administrative Motion to  
 19 Consider Whether Another Party’s Material Should Be Sealed Pursuant to Civil Local Rule 79-5 (“Epic’s  
 20 Motion”) (Dkt. 1476), and now proposes to partially seal information therein that, if disclosed, could  
 21 reveal personally identifiable information and competitively sensitive, non-public project codenames.

22       5. Exhibit A contains personally identifiable information in the form of email addresses of  
 23 Apple employees. Exhibit A also contains competitively sensitive, non-public information regarding

25  
 26       1 Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. See,  
 27 e.g., *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,  
 28 No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,  
 No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-  
 00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple  
 respectfully requests that it be permitted to file a further declaration supporting filing under seal.

1 Apple's internal project codenames, which Apple intends to keep confidential. Public disclosure of  
 2 Apple's non-public project codenames would reveal Apple's internal business decision-making and  
 3 proprietary information, which could be used by competitors to gain an unfair competitive advantage  
 4 over Apple and/or affect Apple's market position. Apple has narrowly-tailored its sealing request as to  
 5 maximize the public's access to court documents without jeopardizing Apple's privacy or business  
 6 interests. The remainder of the exhibit remains unredacted.

7 6. Below is a chart detailing the portions of the exhibit sealable for the reasons explained  
 8 herein, as well as in Apple's statement.

9 <b>Portion of Document 10 Sought to be Sealed</b>	11 <b>Document Title</b>	12 <b>Reason to Seal</b>
13 Redacted email addresses in 14 the "From/To/Cc" columns 15 of rows 1-11 of the privilege 16 log.	17 Exhibit A	18 Reflects personally 19 identifiable information
20 Redacted information in the 21 "Subject" and "Original 22 Name" columns of row 7 of 23 the privilege log.	24 Exhibit A	25 Reflects non-public Apple 26 project codenames

27 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
 28 correct. Executed this 28th day of April 2025, in Washington, D.C.

29 Dated: April 28, 2025

30 Respectfully submitted,

31 By: Mark A. Perry

32 Mark A. Perry